

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

-----X  
KENNETH PASQUARIELLO,  
  
Plaintiff,  
  
:  
:  
-vs- CIVIL ACTION  
NO. 04-11852  
:  
(NMG)  
NATIONAL RAILROAD PASSENGER.,  
CORP., and MASSACHUSETTS BAY  
TRANSPORTATION AUTHORITY :  
Defendant.  
-----X

**JOINT STATEMENT**

**I. STATEMENT OF THE CASE**

This case involves a Federal Employers' Liability Act claim brought by the Plaintiff Kenneth Pasquariello against his employer, Amtrak.

**II. JOINT DISCOVERY PLAN**

The attorneys for the parties have reached an agreement for a proposed Pretrial Schedule.

1. amendments and/or supplements to the pleadings may be filed by 1/15/05 subject to the provisions of the Federal Rules of Civil Procedure.
2. written discovery requests are to be served by 1/31/05 and answers are to be served by 3/31/05.
3. all fact depositions are to be completed by 6/30/05.

4. all trial experts are to be designated by Plaintiff by 7/31/05 and disclosure of information contemplated by FRCP, Rule 26(a)(2) is to be provided by 7/31/05. Defendant by 8/31/05 and 8/31/05. Expert deposition completed by 9/30/05.
5. all dispositive motions, including motions for summary judgment, are to be filed by 10/31/05 and responses are to be filed fourteen (14) days thereafter pursuant to Local Rule 7.1;
6. discovery is to be completed by 9/30/05, unless shortened or enlarged by Order of this Court.
- 7.a final pretrial conference will be held in December 2005.

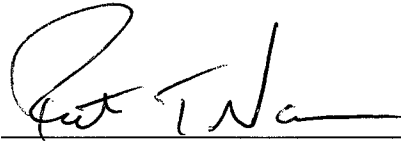
Attorney Paul Sahovey, attorney for the Massachusetts Bay Transportation Authority, and Attorney Robert T. Naumes of Thornton, & Naumes, LLP, attorney for the Plaintiff Kenneth Pasquariello have conferred concerning the above discovery schedule and expenses.

Counsel for the parties have discussed informally exchanging discovery to reduce the cost of litigation to our clients.

The parties are agreeable to participating in mediation or ADR any time after 6/30/05.

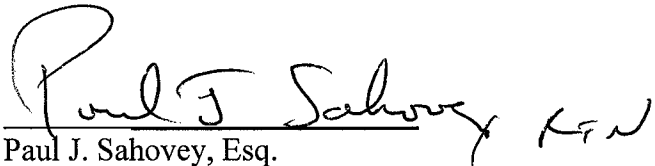
By their attorneys,

DATE: 12-8-04



Robert T. Naumes, Esq.  
**THORNTON & NAUMES LLP**  
100 Summer St., 30th Fl.  
Boston, MA 02110  
(617) 720-1333  
Attorney for Plaintiff  
B.B.O. # 360660

DATE: 12-8-04



Paul J. Sahovey, Esq.  
**MBTA Law Department**  
Ten Park Plaza  
Boston, MA 02116  
617-222-3189  
Attorney for Defendant

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**RULE 16(O)(3) CERTIFICATION**

This is to certify that the Plaintiff Kenneth Pasquariello and his counsel, Robert T. Naumes, Esq., had conferred to establish a budget for the full litigation of the above captioned matter as well as a budget for various alternative courses. Kenneth Pasquariello and Robert T. Naumes, Esq., have further discussed the resolution of the litigation through the use of Alternative Dispute Resolution programs and needs to develop further information before it can decide whether the case is appropriate for settlement, ADR or full litigation.

DATE: 12-08-04

  
KENNETH PASQUARIELLO

DATE: 12-08-04

  
ROBERT T. NAUMES, ESQ.